

REMARKS

Non-elected Claims 10-16 have been cancelled.

In regard to point 7 in the Office Action, it is respectfully submitted that the terms "valent" and "substituted" would be understood by the person of ordinary skill in the art as being synonymous. Their meaning is made clear from page 4, lines 22-23 of the present application. This disclosure indicates that the terms "mono-", "di-", "tri-", and "tetravalent" all mean that the respective group, "R", is "mono-", "di-", "tri-", and "tetrasubstituted", respectively, with the mixed anhydride group..

For consistency, Claim 1 has been amended to change the term "substituted" to "valent" wherever it occurs. Removal of the objection to the Specification is requested.

In regard to point 9 in the Office Action, Claim 1 has been amended to cure the erroneous deletion of "or diacylperoxide from Claim 1. Removal of the rejection under the second paragraph of Section 112 is requested.

The rejection of Claims 1-9 as obvious over the citation of Reichert in view of Windholz or Tarbell is respectfully traversed for the reasons that follow.

Reichert discloses a method for making peracids and on page 4, at lines 53 to 68 in the left column, mentions a large number of anhydrides that may be selected for use. Apart from the last sentence in this portion of Reichert, only single anhydrides are mentioned and recommended for use because of their inexpensiveness and general availability. None of the Examples

contained in this cited patent relate to the use of mixed anhydrides. The Examiner has based her opinion on the sentence at page 4, at lines 67 to 68 in the left column, which reads: "Mixtures of anhydrides, and mixed anhydrides, may also be employed". However, this sentence requires that, firstly, a selection has to be made between mixtures and mixed anhydrides, secondly, that that are clearly less preferred anhydrides, and, thirdly, not the slightest indication is given by this reference as to which type of mixed anhydride should be used.

The secondary art to Windholz mentions the decomposition reaction of a particular mixed anhydride but does not disclose that the mixed anhydride can be used in ways that differ from either performing decomposition experiments or making decomposition products. This reference only discloses that the mixed anhydrides *per se* are known compounds.

The Tarbell publication describes the use of mixed anhydrides in certain reactions on page 245: the acylation of malonic esters; the preparation of ketones from organocadmium compounds; the acylation of phenols; the preparation of diazoketones from diazomethane; and (less preferably) both in the Friedel-Crafts ketone synthesis and in the acylation of alcohols. It, like Windholz, fails to even remotely suggest their use in making peracids.

The person of ordinary skill in the art, knowing of the Reichert citation, must perform the following steps, which are not deemed to be motivated in any fashion by the cited art, in order to obtain the presently claimed invention:

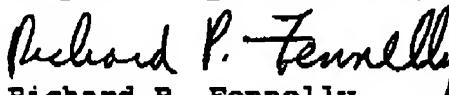
- He must first select from Reichert the less preferred

embodiment of anhydrides out of a large number of more preferred alternatives;

- Having no idea of which mixed anhydride he should use, he must then select a choice from documents that have not been demonstrated to relate to the making of peracids;
- There is no alleged motivation for such a person to select either Windholz or Tarbell, as the Examiner has done, since Windholz and Tarbell do not mention the making of peracids;
- The person of ordinary skill in the art would have to also decide that the mixed anhydrides described in either Windholz or Tarbell should be used even though they are indicated as being less preferred by Reichert; and
- By making all of the foregoing choices, contrary to the expectation of Reichert, he would obtain a commercially attractive process.

Favorable action is now requested on the Claims that remain in the application.

Respectfully submitted,


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